

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § CIVIL ACTION NO.
§
\$68,000 UNITED STATES CURRENCY §
§
Defendant. §

**VERIFIED COMPLAINT FOR CIVIL FORFEITURE
IN REM AND NOTICE TO POTENTIAL CLAIMANTS**

Plaintiff, the United States of America, by and through the United States Attorney, Alamdar S. Hamdani, and the undersigned counsel, Mary Ellen Smyth, Assistant United States Attorney, files this action for forfeiture *in rem* against the above-captioned property. The United States respectfully alleges on information and belief as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355. The seized currency is in the Southern District of Texas and is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1335, 1391(b) and 1395(a) and (b). Acts and omissions giving rise to forfeiture occurred in the Southern District of Texas.

PROPERTY SUBJECT TO FORFEITURE

3. The property is described as follows: \$68,000 in United States currency (the “seized currency”), which was seized after a traffic stop on June 23, 2023 from Juan Velasquez.

4. On or about September 22, 2023, Juan Velasquez submitted a claim through his attorney, Anthony Troiani, to the Drug Enforcement Agency (hereinafter DEA”) contesting administrative forfeiture of the seized Currency.

STATUTORY BASIS FOR FORFEITURE

5. The seized currency is subject to forfeiture under 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all monies furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act.

6. The seized currency is subject to forfeiture, under 18 U.S.C. § 981(a)(1)(A), which provides for the forfeiture of any property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 or 1957, money laundering, and all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violations listed in this paragraph.

FACTUAL BASIS FOR FORFEITURE

7. On June 23, 2023, law enforcement stopped a BMW X6 for Speeding in the 27700 block of Interstate-10 in Katy, Texas located in the Southern District of Texas. The traffic stop

was also based on evidence that the BMW X6 was involved in transporting \$68,000 in U.S. Currency.¹

8. Officer Landon Lewis, of the Katy Police Department, contacted Juan Velasquez, the driver and sole occupant. During the traffic stop, Officer Lewis conducted a consent search of the BMW X6 and located a fabricated hidden compartment behind the heat shield and engine. Inside the compartment, Officer Lewis located and seized five bundles of United States currency wrapped in tape. A later count of the currency revealed exactly \$68,000. Officer Lewis also recovered and seized a black Beretta 9mm pistol.²

9. The United States currency totaled \$68,000 and was deposited into an authorized bank account. As set forth herein, Seized Currency was involved in transactions subject to forfeiture under 18 U.S.C. § 981(a)(1)(A) and Title 21 U.S.C. § 881(a)(6).

CONCLUSION

8. Based on the foregoing facts, there is probable cause to believe that the seized currency was involved in money laundering and was intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 21 U.S.C. § 801, et. seq., or was proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act, 21 U.S.C.

¹ In June 2023 law enforcement obtained information from a reliable informant that Juan Velasquez wanted to purchase 5 kilograms of cocaine. In order to verify the information, law enforcement coordinated a delivery, if Velasquez could produce \$68,000. Specifically, on June 23, 2023, the informant met with Juan Velasquez and they agreed to travel to San Antonio with the money to obtain the five kilograms of cocaine. Law enforcement followed Juan Velasquez from the meeting with the informant to the location of the traffic stop in Katy, Texas.

² Serial number PX340910.

§ 801, et seq.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the seized property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this complaint was sent to you, in accordance with Rule G(4)(b); or, if this Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official internet government forfeiture site, in accordance with Rule G(5)(a)(ii)(B).

An answer or a motion under Federal Rule of Civil Procedure 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, 1300 Victoria, Laredo, Texas, 78040. A copy must also be served upon the undersigned Assistant United States Attorney either electronically or at the address provided in this Complaint.

RELIEF REQUESTED

The United States will serve notice, along with a copy of the Complaint, on any other persons who reasonably appear to be potential claimants in this matter. The United States seeks a final judgment forfeiting the seized currency to the United States and any other relief to which the United States may be entitled.

Respectfully submitted,

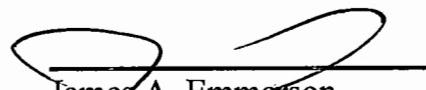
ALMADAR S. HAMDANI
United States Attorney

/s/ Mary Ellen Smyth
Mary Ellen Smyth
Assistant United States Attorney
Texas Bar: 18779100
SDTX Admission: 31348
11204 McPherson Road, Suite 100A
Laredo, Texas 78040
Ofc: 956-723-6523-9571
Email: Mary.Ellen.Smyth@usdoj.gov

VERIFICATION

I, James A. Emmerson, a law enforcement officer employed by the Drug Enforcement Administration (DEA) as a Federal Task Force Officer, declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 7-9 are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation, and they are true and correct to the best of my knowledge and belief.

Executed on the 17th day of November 2023.


James A. Emmerson
Task Force Officer
Drug Enforcement Administration

Swear and Subscribed this 17th day of November, 2023.

Daryl Morava
Notary Public

